



## INTERIOR BOARD OF INDIAN APPEALS

Cindy Peterson and Diane Marshall v. Acting Great Plains Regional Director, Bureau of  
Indian Affairs

44 IBIA 31 (12/12/2006)



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
801 NORTH QUINCY STREET  
SUITE 300  
ARLINGTON, VA 22203

CINDY PETERSON and DIANE	:	Order Docketing and Dismissing
MARSHALL,	:	Appeal
Appellants,	:	
	:	
v.	:	
	:	Docket No. IBIA 07-43-A
ACTING GREAT PLAINS REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee.	:	December 12, 2006

On November 8, 2006, the Board of Indian Appeals (Board) received a notice of appeal from Cindy Peterson and Diane Marshall (Appellants), through counsel, Cheryl F. Laurenz-Bogue, Esq. Appellants seek review of an October 3, 2006 decision of the Acting Great Plains Regional Director, Bureau of Indian Affairs (Regional Director) concerning the removal of trust property by Dixie Byrd from Range Unit 202 on the Cheyenne River Reservation. The Board docketed this appeal, but dismisses it for lack of jurisdiction because it is untimely.

On November 14, 2006, the Board observed that Appellants' appeal appeared untimely and ordered Appellants to show cause why their appeal should not be dismissed. On December 7, 2006, the Board received Appellants' response in which they concede that their appeal was filed outside the 30-day time limit for appeals as a result of a miscalculation of time. See 43 C.F.R. § 4.332(a).

Where appellants have been provided correct appeal information but nevertheless file an untimely appeal, the Board has consistently held that the appeal must be dismissed for lack of jurisdiction. Id.; State of Kansas v. Southern Plains Regional Director, 43 IBIA 229

(2006). Because Appellants' notice of appeal was not filed with the Board within the 30-day appeal period, their appeal must be dismissed. 1/

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal from the Regional Director's October 3, 2006 decision is docketed but dismissed for lack of jurisdiction.

I concur:

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// original signed  
Debora G. Luther  
Administrative Judge

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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1/ Also in their Response to the Board, Appellants characterize their appeal as a "cross appeal." Dec. 7, 2006 Response to Show Cause Order. Appellants represent that they currently are in litigation and partnership dissolution with Dixie Byrd, who filed a timely appeal of the same October 3, 2006 decision. See Byrd v. Acting Great Plains Regional Director, No. IBIA 07-42-A. Appellants seek to "cross appeal" in Byrd's appeal or otherwise intervene in that appeal. As previously noted, see Pre-Docketing Order and Order to Show Cause at 2 n.1, Appellants may participate in the Byrd appeal as "interested parties." See, e.g., 43 C.F.R. § 4.336. Appellants and their counsel are included on the service list for the Byrd appeal.